(47)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 147 OF 2001

PETITIONER — N.C. Mandal, S/o Khudi Ram Mandal, aged about 46 years, C/o G.D. Agrawal, resident of Kewatapara, Raigarh.

Versus

RESPONDENT — Guru Ghasi Das University Bilaspur, through its Registrar at Koni, Bilaspur

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Present : Mr. B.D. Guru,, learned counsel for the petitioner.

ORAL ORDER
(Passed on 16th January, 2006)

The petitioner was admitted to the course leading to the Post Graduate Degree M.A. in English during the academic year 1998-99 in Guru Ghasidas University, Bilaspur. The petitioner had applied for admission in response to a notification marked as Annexure-P/1 calling for applications for various courses run by the University during the academic year 1998-99. The petitioner after completing the first year course appeared for the examination for M.A. (English) Previous. The University, however, did not declare the results of the petitioner on the ground that the petitioner was wrongly admitted to the course and he did not possess the prescribed academic qualification of 10+2+3. At that stage, the petitioner being aggrieved by the action of the University filed this writ petition on 05/02/2001. This Court having entertained the writ petition issued notices to the respondent on 06/02/2001 and in response to the notice Shri S.P. Pandey, a learned member of this Bar, appeared on

behalf of the respondent/University as could be seen from the order-sheet dated 16/09/2002. The University for the reasons best known to it and despite lapse of several years has not chosen to file reply. Even at the time of hearing today, none appeared nor any representation was made on behalf of the University/respondent. The dispute brought before the Court relates to the career of a student and therefore there is no warrant for this Court to defer the decision-making, particularly, in the absence of even a request from the University.

(2) Heard Mr. B.D. Guru, learned counsel for the petitioner, perused the writ petition and the documents appended to the writ petition. The petitioner has annexed a copy of the notification issued by the respondent/University inviting the applications from eligible candidates for admission to various courses run by the University. Paragraph 5 of the notification reads as follows:

> "(5) एम.ए./एम.एस.सी./एम.काम. पूर्वार्ध परीक्षा में केवल वे छात्र सम्मिलित हो सकते हैं जिन्होंने (10+2+3) की स्नातक उपाधि प्राप्त की हो । अथवा वर्ष 1990 के पूर्व स्नातक उपाधि प्राप्त हो।"

The petitioner in paragraph 5.1of the petition has stated that he carefully read the notification and thought that in terms of paragraph 5, he was qualified for admission because he had acquired I.A. and B.A. well before 1990 and accordingly he applied for admission to the Post Graduate Degree course leading to M.A. in English. If the Court were to go by Annexure-P/1advertisement, particularly, the condition incorporated in para 5 referred to above, the stand now taken by the University is untenable. I am at a loss to understand why and how the petitioner did

not have the prescribed educational qualification for admission to the Post Graduate Degree Course in English. The University has not placed any contra material before the Court to support their action. In the light of the materials placed before the Court, it could not be said that the petitioner lacked prescribed educational qualification for admission to the M.A. (Previous) Course.

(3) In the result, the writ petition is allowed. A direction shall issue to the respondent/University to declare the result of the petitioner in the M.A. (Previous) Examination conducted during the academic year 1998-99 and if he has passed in the said examination, then to permit him to pursue M.A. (Final) Course subject to the petitioner fulfilling other formalities. The petitioner is entitled to the cost of this case which is quantify at Rupees Three Thousand payable to the petitioner within two weeks from the date of receipt of a copy of this order.

Sd/-
Chief Justice

Brajesh